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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 16

Application Number: 09/348,742
Filing Date: July 06, 1999
Appellant(s): DZIEDZIC, EDWARD

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GROUP 3600

Mr. Paul M. Denk
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 2/1/02.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences, which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

No amendment after final has been filed.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

The rejection of claims 2-6 and 8 stand or fall together because appellant's brief does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof. See 37 CFR 1.192(c)(7).

(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

5,098,051	Aldridge, et al.	5-1988
5,335,889	Hopkins et al.	8-1994
5,310,151	Engel	5-1994
4,659,046	Parduhn	3-1987
4,325,529	Seebinger	3-1982

(10) Grounds of Rejection

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 2-6 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent # 5,098,051 to Aldridge et al.

Aldridge et al. discloses an aluminum (col. 7, line 5-7) stabilizer wire mount (53) for attaching the pole comprising a rectangular base plate (54, 55) having a top and bottom surface and a front and back edge. The top surface having an integral boss (62) positioned in center and at least one upwardly raised ribs (56, 57, 58,59) defining a channel (60). The bottom surface having front and back edge (see figure 5, 2 and 22). The boss comprises a loop (51). The front and back edge having a pair of depending serrated edges (see attachment of Aldridge et al., figure 15, a). At least one band (2) seated in the channel and extending around the pole (see figure 17). A loop (51) on the base defining an opening therethrough.

(11) Response to Argument

Regarding to appellant's brief (page 8), paragraph 2, appellant argues that Aldridge does not show the structure of an integral boss being positioned centrally and extends upwardly from the top surface of any base plate. From figure 13 in Aldridge's patent, the examiner believes that the element in between the two base plates (42,43) that supports two fasteners (49 and 50) is considered as a boss. The boss is being positioned centrally and extends upwardly from the top surface of the base plates (42,43). According to Merriam Webster's Collegiate Dictionary, where it states **boss** is a protuberant part or body. The boss, in figure 13, shows a protuberant part of the base plates.

On lines 6-7 of the second paragraph in the appellant brief (page 8), the appellant stated that the loop 51 of Aldrige et al. invention is not centrally located and extends off at an angle.

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The examiner believes that since the boss is located in between of two base plates, the loop is considered as central of the base plates.

In the second paragraph of the appellant brief (page 8), lines 7-19, the appellant argues that Aldridge et al. does not teach the depending serrated edges located on the front and back edges of the base plate. The examiner believes that the drawings from Figures 15 and 16, show the serrated edges are being disposed on front and back edges of the base plate in a longitudinally direction. According to Merriam Webster's Collegiate Dictionary, where it states *serrate* is a notched or toothed on the edge.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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